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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,843	02/28/2000	Terry Lynn Cole	2000.036100	9375
23720	7590	06/02/2005		EXAMINER
				BOCURE, TESFALDET
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/514,843	COLE ET AL.
	Examiner	Art Unit
	Tesfaldet Bocure	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9 and 10 is/are allowed.
- 6) Claim(s) 1-7 and 11-27 is/are rejected.
- 7) Claim(s) 8,28-30 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed July 12, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no English translation or a concise explanation of the relevance of the cited Chinese patent. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7,11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754, of a record) in view of **Kramer et al.** (US patent number 6,658,027, newly cited).

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4. **(Weaver hereinafter)** teaches a transmission system having a transmitter (fig.1) and a receiver (fig.2), wherein the transmitter comprising: a transmitter buffer (36); a buffer fullness detecting circuit (44) for detecting the buffer fullness; compressing the data to be transmitted (28 and 29); and truncating circuit (24) for truncating portion of the signal to be transmitted according to the determined buffer fullness as in claims 1,3,11-13, 16,17,18 and 23-25.

Weaver also teaches that if the channel 38 is operating at a constant rate, the number of bits removed is a direct function of time, and use of this fact may be made in determining the number of bits removed from the buffer (see col. 5, lines 60-68 and col. 8). However he is silent as to whether detection is made to determine if the buffer is full or not so that the bits can be deleted from the buffer or added to the buffer.

Kramer for the same endeavor as the instant application and that of Weaver teaches a voice communication system having a buffer jitter control unit 150 and 140 for controlling the buffer 120 so that data can be deleted or added from the buffer depending on the status detected by the detector. Therefore, it would have been obvious to one of an ordinary skill in the art to use the teaching of Kramer in order to directly delete/compress data from the buffer of Weaver at the time the invention was made.

Further to claims 1,11,16 and 23, Weaver also teach that the receiver having means for reformatting, claimed reconstructing, the received signal (see col. 6, lines 45-55).

Further to claims 4,5,6,7,14,15,19,20,21,22 and 27, **Weaver** also teaches that the transmitter transmits the information pertaining to the scaling and truncation of the data sample to the receiver, and the receiver uses the received information to deformat, claimed reconstituting and decompressing, the samples truncated and compressed by the transmitter (see starting line 48 in col. 5 through col. 6, line 55). It should be noted that at the descaler 57, the decoded signals are left shifted by the same amount that they were right-shifted at the scaler 29 under control from the deformater 52 and the decoder knows when to decode. Therefore, the information transmitted by the transmitter as to the truncation information informs the receiver when to left shift in order to reconstruct the compressed or truncated signal.

Weaver truncates portion of the signal to be transmitted and reconstruct the data at the receiver bases on the information about the truncation. However, **Weaver** fails to teach that: deleting selected samples in contiguous blocks of the buffered data within the buffer as in claims 2 and 17; deleting selected samples by every nth sample of the buffered data within the buffer as in claim 3 and 18; and rounding samples as in claim 12. Such deleting selected samples in contiguous blocks of the buffered data within the buffer and deleting selected samples by every nth sample of the buffered data within the buffer as claimed and disclosed does not show any criticality and the truncation of **Weaver** will still be able to minimize the overfullnes of the buffer at the transmitter and still be able to reconstruct the sample at the receiver.

Therefore, it would have been obvious to one of an ordinary skill in the art to use the information pertaining to the truncated part of the sampled transmitted to receiver for reconstructing the truncated information at the time the invention was made.

Response to Amendment

5. Examiner agrees with the Applicant's argument that there is inconsistency to the rejection of claim 8 and it should be objected.
6. In response to Applicant argument that:

With Regard to independent claims 1, 11, 16. and 23 Applicant describe and claim method, and corresponding apparatus for determining if samples of data being received will exceed the storage capacity of the buffer. With particular regard to independent claim 1, Applicants also describe deleting selected samples of data samples from the buffer in response to the storage capacity being exceeded and reconstituting the selected samples---"

Examiner would like to bring to the Applicant's attention the disclosed subject matter in col. 6, starting line 45 through 56, where the left shifted signal by the descaler is the same amount as that of the right-shifted by the scaler 29. Therefore the truncation performed by right-shifting and reconstructing done by left-shifting by the "same amount" has to be at the selected location of the sampled truncated as claimed "deleting and reconstructing selected samples."

Allowable Subject Matter

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7. Claims 8 and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 9-10 are allowed.

Conclusion

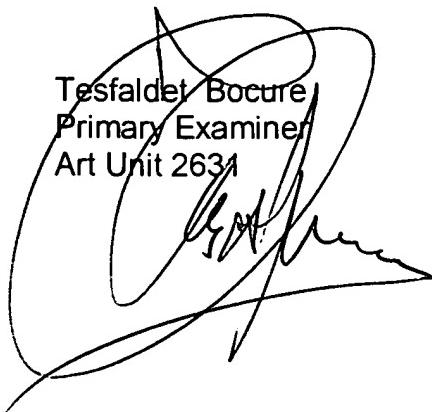
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.Bocure

Tesfaldet Bocure
Primary Examiner
Art Unit 2631

A handwritten signature in black ink, appearing to read "T. Bocure". The signature is fluid and cursive, with a large, stylized initial 'T' and 'B'.